

STATE OF WASHINGTON

PUBLIC DISCLOSURE COMMISSION

711 Capitol Way Rm 206, PO Box 40908 • Olympia, Washington 98504-0908 • (360) 753-1111 • FAX (360) 753-1112
Toll Free 1-877-601-2828 • E-mail: pdc@pdc.wa.gov • Website: www.pdc.wa.gov

MEMORANDUM

TO:

Commissioners

FROM:

Phil Stutzman, Director of Compliance

DATE:

September 18, 2002

SUBJECT:

Brief Enforcement Hearing Moved to Full Commission Hearing

John Potter, Case #03-029

Alleged Failure to File F-1 Form Within Two Weeks of Becoming a Candidate

A brief enforcement hearing was scheduled for September 10, 2002, for John Potter, PDC Case No. 03-029. The Presiding Officer, Chair Mike Connelly, asked that the case be heard by the full Commission because the newly adopted penalty grid for non-filers of C-1 and F-1 forms did not allow the flexibility to assess a penalty up to the amount of previous unpaid penalties, not to exceed \$500.

Brief Summary of Case -

Respondent: John Potter

Case No.: 03-029

Office Sought: State Representative Jurisdiction: Legislative District 11

Prior Violations: One

Description of Prior Violations: In 1999, Mr. Potter was found in violation of RCW 42.17.050 and 42.17.240 for failing to file a Candidate Registration (PDC form C-1) and Personal Financial Affairs Statement (PDC form F-1). He was assessed a penalty of \$500 with \$450 suspended if the missing reports were filed within 30 days. For each month the reports were not filed, the penalty increased by \$50 until the penalty reached \$500. The outstanding penalty of \$500 has been sent to the Attorney General's Office for collection and has not been paid.

Description of Case No. 03-029: A warning letter was sent to Mr. Potter on August 15, 2002, giving him the opportunity to file the missing F-1 and C-1 forms by August 26, 2002, to avoid the possibility of enforcement before the Commission that could result in the assessment of monetary civil penalties. The C-1 form was filed on August 16, 2002, but the F-1 form was not filed. On August 28, 2002, Mr. Potter was given the opportunity to stipulate to a violation, file the missing F-1 report and pay a \$100 penalty to avoid a brief enforcement hearing. The missing F-1 report was not filed and the case was presented at a brief enforcement hearing on September 10, 2002. At the brief enforcement hearing, the Chair moved the case to the full Commission. Mr. Potter has not filed his F-1 report and will appear on the general election ballot.



STATE OF WASHINGTON

PUBLIC DISCLOSURE COMMISSION

711 Capitol Way Rm 206, PO Box 40908 • Olympia, Washington 98504-0908 • (360) 753-1111 • FAX (360) 753-1112
Toll Free 1-877-601-2828 • E-mail: pdc@pdc.wa.gov • Website: www.pdc.wa.gov

August 15, 2002

TO:

JOHN POTTER

11842 14TH S

SEATTLE WA 98168

FROM:

Public Disclosure Commission (PDC)

SUBJECT:

Missing Personal Financial Affairs Statement (PDC form F-1)

Missing Candidate Registration Statement (PDC form C-1)

Our records indicate that you are a candidate in the 2002 election and that the PDC has not yet received a Personal Financial Affairs Statement (PDC form F-1) or a Candidate Registration Statement (PDC form C-1) from you. The public disclosure law requires candidates to file the F-1 and C-1 forms within two weeks of becoming a candidate.

Enclosed are blank F-1 and C-1 forms for your use. If applicable, also complete the F-1 Supplement Page. Please complete the F-1 and C-1 forms and mail both to the PDC before August 26, 2002 to avoid the possibility of enforcement before the Commission that could result in the assessment of monetary civil penalties. 1

Templates of the F-1 and C-1 forms are also available on the PDC Web site at www.pdc.wa.gov. Click on "Filer Assistance" and then on "Form Templates." Instruction booklets for the F-1 and C-1 are available on our web site under "Filer Assistance" and "Manuals" and are also available from your County Auditor and the PDC.

If you have already filed the F-1 and/or C-1 forms, please contact our office immediately. Thank you for your cooperation. If you need assistance, please contact Jim Kelly at (360) 586-4560, toll-free at 1-877-601-2828 or by e-mail at ikelly@pdc.wa.gov.

Sincerely,

Philip E. Stutzman

Director of Compliance

Enclosures

F-1 form

F-1 Supplement

C-1 form

Please note that faxed reports are not acceptable because they only show a <u>copy</u> of your signature and the report needs to display your actual original signature.



STATE OF WASHINGTON

PUBLIC DISCLOSURE COMMISSION

711 Capitol Way Rm 206, PO Box 40908 • Olympia, Washington 98504-0908 • (360) 753-1111 • FAX (360) 753-1112
Toll Free 1-877-601-2828 • E-mail: pdc@pdc.wa.gov • Website: www.pdc.wa.gov

August 28, 2002

F-1 Hearing Notice

JOHN POTTER 11842 14TH S SEATTLE WA 98168

PDC Case No. 03-029

Office Sought:

STATE REPRESENTATIVE

Jurisdiction:

LEGISLATIVE DISTRICT 11

Our records indicate that you are a candidate in the upcoming election. RCW 42.17.240 requires the filing of a Personal Financial Affairs Statement (PDC form F-1) for candidates in towns or districts that have 1,000 or more registered voters as of the last general election. The F-1 report was due within two weeks of becoming a candidate. We have not yet received the F-1 report from you.

Pursuant to WAC 390-17-142 and RCW 34.05.482 et seq., a brief enforcement hearing will be conducted to determine if you have violated the public disclosure law. Mike Connelly of the Public Disclosure Commission is the Presiding Officer in this matter. The hearing will be as follows:

Date and time:

Tuesday, September 10, 2002 at 10:30 a.m. (all times approximate)

Place:

Evergreen Plaza Building, Room 206

711 Capitol Way, Olympia, WA 98504-0908

YOU CAN AVOID THE HEARING by signing the enclosed statement of understanding and returning it along with \$100 for the missing report. Your check or money order must be made payable to the "Washington State Treasurer." You must also file the missing report. To avoid the hearing, your signed statement of understanding, missing report, and check or money order for \$100 must be received in our office by 5:00 p.m., Friday, September 6, 2002.

If there are circumstances you wish to have considered at the time of the hearing, you may submit a written response or attend the hearing. I will be representing the staff of the Commission. Under the brief enforcement hearing rules, the Commission has the authority to assess penalties of up to \$500 for violations. If you plan to attend, please notify us in advance of the hearing date. If you are unable to attend the hearing and would like to participate by telephone conference call, or if you have questions regarding your missing report or the hearing, please call Jim Kelly at (360) 586-4560, toll free at 1-877-601-2828, or by e-mail at jkelly@pdc.wa.gov. A written order by the Presiding Officer will be entered after the hearing.

Sincerely,

Philip E. Stutman

Director of Compliance The public Scientific Scientific Statement of Linderstanding and F-1

Proposed Penalty Grid for Non-Filers For Brief Enforcement Hearing

Candidate Registration Statement (C-1) Candidate Statement of Financial Affairs (F-1)

Status	1 st Occasion	2 nd Occasion	3 rd Occasion	4 th Occasion
Failed to file F-1 and/or C-1 by date of enforcement hearing. Filed reports after hearing notice but before enforcement hearing. Did not pay settlement amount.	\$150 per report \$100 per report	\$300 per report, up to \$500 \$200 per report	Full Commission consideration \$400	Full Commission consideration Full Commission consideration
Filed report after hearing notice but before enforcement hearing. Provided written explanation or appeared at the hearing to explain mitigating circumstances. Did not pay settlement amount.	\$0 - \$100 per report	\$100 - \$200 per report	\$200 - \$400	Full Commission consideration

Provisos:

- 1) The Presiding Officer has authority to suspend all or a portion of relevant penalty under the conditions to be determined by that officer.
- 2) If on the 3rd occasion, a filer has outstanding penalties or judgments, the matter will be taken to the Full Commission for consideration.
- The Presiding Officer may direct a matter to the full Commission if the officer believes \$500 would be an insufficient penalty or the matter warrants consideration by the full Commission.